

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STARHOME GMBH,

Plaintiff,

v.

AT&T Mobility LLC,
ROAMWARE, INC., and
T-Mobile USA, INC.,

Defendants.

Civ. A. No. 10-434 (GMS)

ORDER

WHEREAS pursuant to the Amended Scheduling Order (D.I. 59) the plaintiff filed a letter requesting leave to file a motion for summary judgment of direct infringement (D.I. 144), and the defendants filed a letter requesting leave to file a motion for summary judgment of non-infringement of all asserted claims of U.S. Patent No. 6,920,487 and U.S. Patent No. 7,231,431 (D.I. 145);

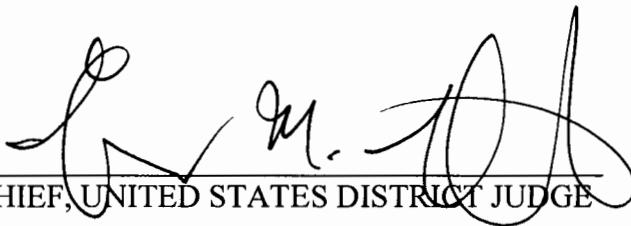
WHEREAS both parties also submitted reply letters arguing their respective positions (D.I. 152, 154);

WHEREAS in consideration of the parties' letter briefing, the court's Claim Construction Order (D.I. 124), the court's practices, and the applicable law, the court concludes that the defendants have set forth a compelling argument for non-infringement based on the court's construction of the term "intelligent gateway";

IT IS HEREBY ORDERED that:

1. The defendants' request for leave to file a motion for summary judgment of non-infringement is GRANTED¹; and
2. The plaintiff's request for leave to file a motion for summary judgment is DENIED.

Dated: July 25, 2012



CHIEF, UNITED STATES DISTRICT JUDGE

¹ The parties' briefing shall be submitted pursuant to the court's Local Rules. The defendants' opening brief in support of its motion for summary judgment shall be filed by the close of business Friday August 17, 2012.